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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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MELVIN L. MOBLEY, III,

Plaintiff,

*versus*YESSICA MEDINA MARTINEZ, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:17-CV-378

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Melvin L. Mobley, III, a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Yessica Medina Martinez, Maxwell Vine, Jherick M. Cambell, and James Cortez.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying plaintiff's motions for default judgment against defendants Vine and Martinez should be denied. The magistrate judge also recommends granting plaintiff's motions for default judgment against defendant Cambell with respect to the issue of liability and conducting a hearing with respect to the issue of damages.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#60) is **ADOPTED**. Plaintiff's motions for default judgment (#47 and #55) are **DENIED** with respect to defendants Vine and Martinez. The motions are **GRANTED** as to defendant Cambell with respect to the issue of liability. An evidentiary hearing will be conducted with respect to the issue of damages.

SIGNED at Beaumont, Texas, this 26th day of June, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE